

Congress of the United States
Washington, DC 20515

November 14, 2023

Bill Myer
Restoration Program Manager
National Guard Bureau
111 S George Mason Dr
Arlington, VA 22204

Dear Mr. Myer:

We are writing to urge the Department of Defense (DoD) to expedite the environmental remediation of Stewart Air National Guard Base (Stewart ANGB). In 2016, the presence of significant per- and polyfluoroalkyl substances (PFAS) was found in the City of Newburgh's main drinking water source, Washington Lake. Soon after, the source of the PFAS contamination was attributed to fire-fighting foam at Stewart ANGB that spilled into nearby waterways. We have worked diligently with DoD and other government agencies to expedite this cleanup. Since learning about this issue seven years ago, we have secured nearly \$200 million of federal funding for PFAS cleanup activities at Stewart ANGB, called on the Environmental Protection Agency (EPA) to update their PFAS guidance and set PFAS drinking water standards, alerted senior Air Force and DoD officials and nominees about the issue while urging them to act, secured temporary measures including the interim storm water treatment system (ISWTS), and pushed for Newburgh to be named as one of the first sites to move to the Remedial Investigation/Feasibility Study phase. As the DoD works to remediate the situation, it is imperative that the DoD immediately follow the recommendation of the New York State Department of Environmental Conservation (NYSDEC) and begin evaluating the implementation of measures to address the contamination at the source.

Spills and firefighting foam contaminated with PFAS from Stewart ANGB have not only impacted Newburgh's main drinking water source, Washington Lake, but have also contaminated wells serving both public and private drinking water supplies in the Town of New Windsor. At least 55,000 people relying on these public water supplies in the city and town have been affected. In addition, due to the high PFAS contamination levels, New York State also advises anglers not to consume the fish they catch in several area waterways.

New York State declared Stewart ANGB a state Superfund site in August 2016. In the seven years since, a series of investigations have been conducted, including the ongoing Remedial Investigation under the Defense Environmental Remediation Program (DERP). We have been staunch advocates for this cleanup process to begin and move as quickly as possible. DoD has opted to voluntarily follow the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process, which ensures a comprehensive approach, but means there could be several more years of investigation before remediation alternatives are developed, selected, and finally implemented.

Following a sustained push, we secured a commitment, and ultimately construction and utilization, of an ISWTS to treat PFAS contaminated water at Rec Pond. While this is an

important step that has helped reduce the spread of PFAS into the surrounding area, the system's limited treatment capacity renders it ineffective in wet weather. Weather-related bypasses of the ISWTS have occurred many times since its installation according to Stewart ANGB. As we have said many times before, this interim treatment measure is not sufficient, and was never designed to be. Therefore, DoD must expedite the full cleanup of PFAS stemming from Stewart. The residents of Newburgh and New Windsor have and will continue to face barriers to reliably accessing safe, clean drinking water, and we urge the DoD to do everything in their power to remediate the PFAS contamination and restore the area's drinking water sources as expeditiously as possible.

In July 2023, the DoD issued guidance directing military sites like Stewart ANGB to identify and implement interim remedial actions to reduce the impacts of PFAS contamination. Specifically, the memorandum calls on the Stewart ANGB to evaluate the data and assess where an interim action can be taken to mitigate further PFAS plume migration. The DoD further directs the prioritization of implementation of interim actions as expeditiously as possible to address PFAS under CERCLA, such as removal of soil or sediment 'hot spots' and installation of groundwater extraction systems, where supported by site-specific information.

NYSDEC and the New York State Department of Health (NYSDOH) have also strongly recommended the implementation of interim actions at Stewart ANGB, subject to their evaluation and approval. We agree with NYSDEC and NYSDOH, and urge DoD to begin studying potential measures as soon as possible, including the following:

1. **Increase the capacity of the Interim Storm Water Treatment System.** Interim actions to further increase the capacity of this interim measure can decrease the number of weather-related bypasses. This could include upgrading the capacity of this filter, building storage capacity so water can be treated prior to discharge, and/or reducing the volume of PFAS-contaminated stormwater reaching the filter. Flow-metering in stormwater pipes discharging to Rec Pond could provide needed information to design a system of sufficient capacity.
2. **Slip-line the stormwater pipes.** Slip-lining is a common practice to stop inflow of groundwater into buried pipes. Doing so at Stewart could both prevent PFAS-contaminated groundwater from entering stormwater pipes, which convey it to surface waters, and could reduce the overall volume of water to be treated by an existing or expanded stormwater treatment system.

While other interim actions may be needed following the evaluation of additional data, including potential interventions at "hot spots" of groundwater contamination, these steps must be taken immediately by the DoD to address the ongoing PFAS contamination in Newburgh and New Windsor and we implore the DoD to work expeditiously to do so.

Most importantly, we urge the DoD to work expeditiously and thoroughly to advance the full cleanup of Stewart ANGB's PFAS contamination, as this is the only way to truly ensure the people of Newburgh and the surrounding communities—including military personnel and their families—can recover.

Thank you for your consideration. We look forward to working with the DoD to accelerate this clean-up.

Sincerely,



Charles E. Schumer
United States Senator



Kirsten E. Gillibrand
United States Senator



Patrick K. Ryan
Member of Congress

cc:

Col. Francis J. Farrelly, Jr.; Ed Lawson; Lt. Col. Richard DeFeo; Keith Freihofer; TSgt Daniel Hotter; Amy Brand